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VIA ECF

Honorable Roanne L. Mann
Chief Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Clint Tess v. City of New York, et al.
No. 18-cv-06542 (KAM) (RLM)

Your Honor:

I am the attorney assigned to represent defendants the City of New York, and individually named defendants Jackson, Eltabib, Sanchez, Feder, Shtotland, Hussameldon, Walker, Neimeyer, Dorisme, Iecampo, and Alexander in the above-referenced matter. Defendants write to respectfully request an extension of time in which to complete fact discovery, from the current deadline of October 10, 2019, up to and including December 9, 2019, and corresponding extensions of the deadlines to serve expert disclosures, from the current deadline of October 10, 2019, up to and including December 9, 2019, and of the deadline to file a Pre-Motion Conference Request, from the current deadline of November 8, 2019, up to and including January 7, 2020. No prior request for an extension of time to complete discovery has been requested. This request is submitted with plaintiff's consent.

As background, Plaintiff alleges, *inter alia*, claims for false arrest, unlawful imprisonment, unreasonable search, excessive force, indifference to medical needs, failure to intervene, delay in arraignment, and for municipal liability pursuant to *Monell* stemming from his June 16, 2016, arrest. The Court issued a scheduling order on April 10, 2019, with dates of May 10, 2019, for parties to amend the pleadings, July 12, 2019, for Plaintiff to serve a medical expert report, July 24, 2019, for a settlement conference, and October 10, 2019, for the completion of fact discovery. See ECF Docket No. 9. However, as set forth below, an enlargement of the discovery schedule is needed.

First, this matter was only recently reassigned to the undersigned and, accordingly, the undersigned is still in the process of digesting this matter. Second, due to Plaintiff's amendments of the Complaint, there are several individually named defendants for whom representation must

be resolved before they can be deposed.¹ Third, while Rule 26 disclosures, as well as, multiple Responses and Objections to Interrogatories have been exchanged by the parties, Plaintiff has recently served both an additional set of Interrogatories and Request for Production of Documents and a Request for Admissions upon the Defendant that will, upon information and belief, require extensive responses. Fourth, depositions have yet to be held in this matter, and as there are potentially at least twenty five depositions to be held, including all currently named individual defendants, depositions cannot be completed in the short time frame left before October 10, 2019.

Accordingly, in order to allow for time for (1) the undersigned to learn the record, (2) the parties to exchange outstanding discovery, (3) this Office to resolve the representation of the individually named defendants and, (4) the parties to conduct depositions, Defendants respectfully request that the Court extend the time to complete fact discovery to December 9, 2019, and also grant corresponding extensions of the deadline to complete expert discovery to December 9, 2019, and of the deadline to file a Pre-Motion Conference Request to January 7, 2020. Defendants thank the Court for its time and attention to this matter.

Sincerely,


James Jimenez
Assistant Corporation Counsel

cc: **BY ECF**
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¹ For the Court's information, certain individually named defendants were not served with process until September 16, 2019, accounting for the seemingly late process of resolving representation.